

## REMARKS/ARGUMENTS

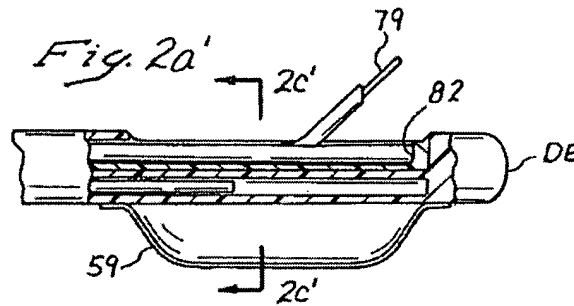
A Request for Continuing Examination is being filed concurrently with this response.

Prior to entry of this amendment, claims 1-9 and 12-52 were pending. In the Office Action, claims 12-46 were withdrawn from consideration, claims 9 and 46 were rejected under 35 U.S.C. §112 as being indefinite and claims 1-9 and 46-52 were rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 5,429,136 (Milo, et al.) in view of either United States patent No. 5,693,014 (Jang, et al.) or 6,010,480 (Abele, et al.).

By the foregoing amendment, Applicant has cancelled claims 1-9 and 12-52, without prejudice, and has added new claims 53-63. No new matter has been added. New claims 53-63 are supported by the originally filed specification including, but not necessarily limited to Figures 2A'-2C' and pages 15-19 of the written specification.

New claims 53-63 are believed to clearly distinguish over Milo, et al., Jang, et al., Abele, et al. and all other prior art of record. As the Examiner will note, independent claim 53 recites a guide device having a catheter body and a tubular member that is alternately disposable in a) a *retracted position* wherein it is housed substantially within the catheter body and b) an *extended position* wherein it assumes a curved configuration and extends out of an opening in the catheter body. The tubular member has a distal end opening such that a guidewire or other elongate member may be advanced through the lumen of the tubular member and out of the distal end opening of the tubular member.

One of many possible examples of the device claimed in new claim 53 structure is shown in Figure 2A' (reproduced below):



As can be seen in Figure 2A', when in its extended position, the tubular member is curved and extends away from the catheter body at an angle relative to the longitudinal axis of the catheter body.

In this manner, a guidewire or other elongate member 79 may be advanced through the tubular member in a direction that is substantially lateral to the longitudinal axis of the catheter body. Thus, this guide catheter device can be used to direct a guidewire or other elongate member 79 toward the wall of the blood vessel in which the catheter body is positioned rather than continuing down the lumen of that blood vessel. This capability renders the claimed guide catheter device useable for directing a guidewire or other elongate member into the side wall or a side branch of the blood vessel. Thus, independent claim 53 is believed to be in condition for allowance over all prior art of record.

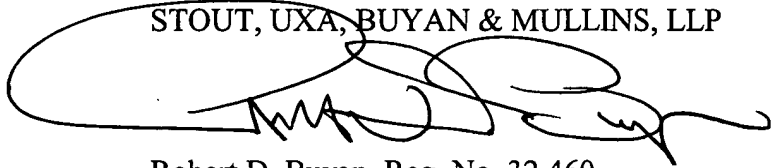
New dependent claims 54-63 further limit or add to the subject matter of independent claim 53. Accordingly, dependent claims 54-63 are distinguishable over the prior art for at least the same reasons as stated above with respect to independent claim 53.

Issuance of a Notice of Allowance with respect to new claims 53-63 is earnestly solicited.

The Examiner is invited to telephone Applicant's undersigned counsel to discuss any measures that may be taken to expedite issuance of a Notice of Allowance in this case.

Respectfully submitted,  
STOUT, UXA, BUYAN & MULLINS, LLP

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 7, 2004.

Dated: September 7, 2004

By:   
Francine Sanders, Assistant